

### **REMARKS / ARGUMENTS**

Reconsideration of the application is respectfully requested in view of the following arguments. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Claims 28-29, 32-33, 37-38, 40-41, 44-45 and 48 have been canceled. Claims 30-31, 34-36, 39, 42-43, 46-47 and 49 are pending.

#### RESPONSE COMPLIANT WITH 37 C.F.R. §1.116

Specifically, this response complies with 37 C.F.R. §1.116(b)(1) "[After a final rejection] an amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office Action;"

#### REJECTIONS BASED ON 35 U.S.C. § 101

The Office action rejected claim 41 and 48 under the interim 101 guidelines. Specifically, the limitations to claims 41 and 48 of "machine accessible medium" and "machine" were not allowable subject matter and the Office Action suggested that an amendment to the standardized term of "computer-readable medium" and "computer" respectfully, would be allowable. The Office Action noted these amendments would be supported by the specification, paragraphs 22-23 on p. 7.

The Applicant has complied with the Examiner's suggestion. The Applicant has canceled claims 41 and 48, but the new independent claims 42 and 49 incorporate the limitations of claims 41 and 48 and include the language changes the Examiner suggested. The Applicant believes that for at least this reason, this rejection has been overcome.

#### REJECTIONS BASED ON 35 U.S.C. § 102

Claims 28-29, 32-33, 37-38, 41, 44-45 and 48 were rejected by the Office Action under 35 U.S.C. §102(b) as being anticipated by Walsh (U.S. Patent Number 4,890,316).

The Applicant has canceled these claims. The Applicant believes these rejections are now moot.

OBJECTIONS – CLAIMS BASED ON A REJECTED BASE CLAIM

The Office Action objected to claims 30-31, 34-36, 39-40, 42-43, 46-47 and 49 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

The Applicant has complied with the Examiner's suggestion as to these claims, except for claim 40, which the Applicant has canceled. The Applicant thus believes the objections to claims 30-31, 34-36, 39, 42-43, 46-47 and 49 have been overcome and believes these claims are now in condition for allowance.

### CONCLUSION

Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Phil Hunt at (503) 439-6073. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,  
**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**

Date: \_\_\_\_\_

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